

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 2:20-CR-56-JRG-HBG
)	
ERIN DOUGHERTY MCARDLE, and)	
TOMMY TYLEE HENRY,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the Joint Motion of Defendants Erin D. McArdle and Tommy T. Henry to Continue Motion Deadlines, Trial, and Other Scheduling Deadlines [Doc. 12], filed on July 23, 2020. Defendants ask to continue the August 27, 2020, trial date in this case. The Defendants first appeared and were arraigned on June 26, 2020. The Defendants state that the parties are presently working through discovery issues, the progress on which has been slowed by the need to work remotely. The Defendants ask for additional time to prepare, file, and litigate pretrial motions. The motion relates that the Defendants agree that the time until the new trial date is excludable under the Speedy Trial Act and that the Government does not oppose the motion. The parties have conferred with Chambers and agreed on a new trial date of February 16, 2021.

The Court finds the Defendants' joint motion to continue the trial and schedule is unopposed and well taken. It also finds that the ends of justice served by continuing the trial outweigh the interest of the Defendants and the public in a speedy trial. 18 U.S.C. §

3161(h)(7)(A). The Defendants first appeared on June 26, 2020, and the motion deadline was set for July 29, 2020. Based upon the statements in the motion, the Court finds additional time is needed for the parties to resolve discovery issues and for defense counsel to research and prepare pretrial motions. The Defendants state that, despite counsel's due diligence, this process is slower due to counsel and support staff working remotely. The Court finds that defense counsel need time to review the discovery, investigate the facts of the case and the need for pretrial motions, to prepare and litigate pretrial motions, and to prepare the case for trial. The Court also finds that the work necessary to prepare this case for trial cannot occur by the August 27, 2020 trial date or in less than six months. Accordingly, the Court concludes that a continuance is warranted for counsel to have the reasonable time necessary to prepare for trial, despite the use of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendants' joint motion [**Doc. 12**] to continue the trial and schedule is **GRANTED**, and the trial of this matter is reset to **February 16, 2021**. The Court finds that all the time between the filing of the Defendants' Motion on July 23, 2020, and the new trial date of February 16, 2021, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D), & -(7)(A)-(B). The parties agreed to a new schedule in this case, which is set out in detail below.

Accordingly, it is **ORDERED**:

- (1) The Joint Motion of Defendants Erin D. McArdle and Tommy T. Henry to Continue Motion Deadlines, Trial, and Other Scheduling Deadlines [**Doc. 12**] is **GRANTED**;
- (2) The trial of this case is reset to commence on **February 16, 2021, at 9:00 a.m.**, before the Honorable J. Ronnie Greer, United States District Judge;

- (3) All time between the filing of the Defendants' motion on **July 23, 2020**, and the new trial date of **February 16, 2021**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **September 28, 2020**. Responses to motions are due on or before **October 12, 2020**.
- (5) The undersigned will hold a motion hearing in Knoxville, Tennessee, on all pending pretrial motions on **October 28, 2020, at 9:30 a.m.**;¹
- (6) The deadline for filing a plea agreement in the record and for providing reciprocal discovery is extended to **January 18, 2021**;
- (7) If the parties need a final pretrial conference to resolve any pretrial matters, they shall contact Chambers to schedule a final pretrial conference no later than three weeks before trial;
- (8) Motions *in limine* must be filed no later than **February 1, 2021**; and
- (9) Requests for special jury instructions, supported by citations to authority pursuant to Local Rule 7.4., shall be submitted to the District Judge by **February 5, 2021**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge

¹The Court will determine whether this motion hearing will be in-person or by video or telephone conference based upon the nature of the pending motions and the Court's Standing Orders and courtroom procedures at that time.